

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
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# Th10b



February 26, 2004

TO: Commissioners and Interested Persons

FROM: Charles Lester, Deputy Director  
Diane Landry, District Manager  
Susan Craig, Coastal Planner

SUBJECT: **CITY OF SAND CITY: LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 1-03.** For public hearing and Commission action at its meeting of March 18, 2004, to be held in Monterey at the Hyatt Regency Monterey, 1 Old Golf Course Road, Monterey, CA 93940

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## SYNOPSIS

The City of Sand City (see Exhibit 1) is proposing to amend the Local Coastal Program as follows:

1. Amend the land use maps and the land use plan to add four new land use designations: a) East Dunes Area (EDA); b) Regional Commercial (C-4); c) Mixed Use Development (MU-D), and; d) Habitat Preserve (HP).
2. Amend the land use maps and the land use plan to delete three land use designations: a) Coastal Dependent Industrial (CDI); b) Industrial Park (IP), and; c) Heavy Commercial (C-2).
3. Amend the land use maps to re-designate certain properties along Del Monte Blvd. from: 1) Heavy Commercial (C-2) to Mixed Use Development (MU-D); 2) Industrial Manufacturing (M) to Mixed Use Development (MU-D); 3) Industrial Manufacturing (M) to Regional Commercial (C-4) and; 4) Industrial Park (IP) to Regional Commercial (C-4).
4. Amend the land use maps to re-designate certain properties along Highway One from: 1) Industrial Park (IP) to Habitat Preserve (HP); 2) Light Commercial (C-1) to East Dunes Area (EDA); 3) Heavy Commercial (C-2) to Mixed Use Development (MU-D), and; 4) Light Commercial (C-1) to Mixed Use Development (MU-D).
5. Amend the land use plan to remove all background information and policies regarding sand mining operations.
6. Amend the zoning maps and the implementation plan to add four new zoning districts: a) Coastal Zone Planned Mixed Use (CZ MU-P); b) Coastal Zone Regional Commercial (CZ-C4); c) Coastal Zone East Dunes Area (CZ-EDA), and d) Planned Unit Development (PUD) (an overlay district).



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7. Amend the zoning maps and implementation plan to delete three zoning districts: a) Coastal Zone Heavy Commercial (CZ-C2); b) Coastal Zone Industrial Park (CZ-IP), and c) Coastal Zone Coastal Dependent Industrial (CZ-CDI).
8. Amend the zoning map to rezone certain properties along Del Monte Blvd. from: 1) Coastal Zone Heavy Commercial (CZ-C-2) to Coastal Zone Mixed Use Plan (CZ-MU-P); 2) Coastal Zone Industrial Manufacturing (CZ-M) to Coastal Zone Regional Commercial (CZ-C4), and; 3) Coastal Zone Industrial Park (CZ-IP) to Coastal Zone Regional Commercial (CZ-C4).
9. Amend the zoning map to rezone certain properties along the east side of Highway One from: 1) Coastal Zone Light Commercial (CZ-C1) to Coastal Zone Mixed Use Plan (CZ-MU-P); 2) Coastal Zone Heavy Commercial (CZ-C2) to Coastal Zone Mixed Use Plan (CZ-MU-P); 3) Coastal Zone Heavy Commercial (CZ-C2) to Coastal Zone East Dunes Area (CZ-EDA); 4) Coastal Zone Light Commercial (CZ-C1) to Coastal Zone East Dunes Area (CZ-EDA), and; 5) Coastal Zone Industrial Park (CZ-IP) to Coastal Zone Habitat Preserve (CZ-HP).
10. Amend the zoning map to remove the Coastal Dependent Industrial overlay (CZ-CDI) from one parcel located seaward of Highway One (this parcel will remain zoned Coastal Visitor Serving Commercial (CZ-VSC)).

## **LCP BACKGROUND**

The Commission certified the portion of the LUP that applies to the areas of Sand City inland of Highway One and west of Highway One and north of Bay Avenue on December 2, 1982. The Commission certified the portion of the LUP that applies to the area west of Highway One and south of Bay Avenue on March 14, 1986. The City's Implementation Plan was certified by the Commission on March 15, 1984, except for the area south of Bay Avenue seaward of Highway One and the area landward and seaward of the old sewage treatment plant. Several options for this area are listed in the LUP, including a Transfer of Development Credits (TDC) program. The submitted IP did not contain a TDC program for that area and as a result, certification of the IP for this area was deferred until the TDC program is either amended out of the LUP or into the IP. The proposed amendments do not affect this Area of Deferred Certification.

## **SUMMARY OF STAFF RECOMMENDATION**

Staff has reviewed the proposed amendments to the Land Use Plan for conformance with the Coastal Act and the Implementation Plan amendments for consistency with the proposed amended Land Use Plan. Issues raised by the proposed amendments include public services, environmentally sensitive habitat, and visual resources. As discussed in detail below, Commission staff recommends **approval** of the City of Sand City proposed LCP Major Amendment No. 1-03 if it is modified as follows: 1) Add a policy requiring that development of public desalination facilities may be permitted provided any adverse environmental impacts are fully mitigated; 2) Re-designate and rezone a parcel now owned by Monterey Regional Parks District from Visitor Serving Low Density Residential to Public Recreation; 3) Remove the Visitor Serving Low Density Residential designation and zoning district from the LCP; 4) Delete all remaining references to sand mining activities in the LCP; 5) Delete the Heavy Commercial designation



definition from the Land Use Plan; 6) Add the Mixed Use Development designation definition and the Habitat Preserve definition to the Land Use and Development policies of the Land Use Plan.

### **ANALYSIS CRITERIA**

The relationship between the Coastal Act and a local government's Local Coastal Program (LCP) can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of the LCP incorporates and refines Coastal Act policies for the local jurisdiction, giving local guidance as to the kinds, locations, and intensities of coastal development. The Implementation Plan (IP), or zoning portion of an LCP typically sets forth zone districts and site regulations which are the final refinement specifying how coastal development is to proceed on a particular parcel. The IP must be consistent with, and adequate to carry out, the policies of the LUP. The LUP must be consistent with the Coastal Act.

The proposed amendment affects the LUP and IP components of the City of Sand City LCP. The standard of review for land use plan amendments is that they must be consistent with the Chapter 3 policies of the Coastal Act. The standard of review for implementation plan amendments is that they must be consistent with and adequate to carry out the policies of the certified coastal land use plan.

### **ADDITIONAL INFORMATION**

Further information on the submittal may be obtained from Susan Craig at the Central Coast District Office of the Coastal Commission at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.

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#### Exhibits

Exhibit 1	Sand City Location Map
Exhibit 2	Sand City Land Use Maps
Exhibit 3	Sand City Coastal Zoning Map
Exhibit 4	Proposed Land Use Plan Text Changes
Exhibit 5	Proposed Implementation Text Changes
Exhibit 6	Surface Mining & Reclamation Ordinance/Reclamation Plan Application
Exhibit 7	Planned Unit Development (PUD) District Regulations
Exhibit 8	City Resolution



## I. STAFF RECOMMENDATION: MOTIONS AND RESOLUTIONS

Staff recommends adoption of the following resolutions:

### **Resolution I. (Resolution to approve City of Sand City Land Use Plan Major Amendment No. 1-03 as submitted)**

Staff recommends a **NO** vote on the motion below. Failure of this motion will result in denial of the land use plan amendment component as submitted and adoption of the following resolution and findings. The motion passes only upon an affirmative vote of a majority of the appointed Commissioners.

***Motion #1:** I move that the Commission certify Major Amendment No. 1-03 to the City of Sand City Land Use Plan as submitted by the City.*

***Resolution to Deny:** The Commission hereby denies certification of Major Amendment No. 1-03 to the land use plan of the City of Sand City as submitted and adopts the findings set forth below on the grounds that the amendment component, as submitted, does not conform with the policies of Chapter 3 of the Coastal Act.*

### **Resolution II. (Resolution to approve City of Sand City Land Use Plan Major Amendment No. 1-03, if modified)**

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment component with the suggested modifications and adoption of the following resolution and findings. The motion to certify with the suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

***Motion #2:** I move that the Commission certify Major Amendment No. 1-03 to the City of Sand City Land Use Plan if modified as suggested by modifications **1-21** in this staff report.*

***Resolution to approve:** The Commission hereby approves Major Amendment No. 1-03 to the land use plan of the City of Sand City if modified according to the suggested modifications and adopts the findings set forth below on grounds that the land use plan amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts which the land use plan amendment may have on the environment.*



**Resolution III. (Resolution to approve City of Sand City Implementation Plan Major Amendment No. 1-03 as submitted)**

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the Implementation Plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

***Motion.** I move that the Commission **reject** Major Amendment No. 1-03 to the City of Sand City Local Coastal Program Implementation Plan as submitted.*

***Resolution to reject.** The Commission hereby **rejects** certification of Major Amendment No. 1-03 to the Implementation Plan of the City of Sand City Local Coastal Program, as submitted, and adopts the findings set forth below on grounds that the Implementation Plan, as submitted, is not in conformity with the certified Land Use Plan. Certification of the Implementation Plan amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment as submitted.*

**Resolution IV. (Resolution to approve City of Sand City Implementation Plan Major Amendment No. 1-03, if modified)**

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the Implementation Plan amendment as modified and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

***Motion.** I move that the Commission **certify** Major Amendment No. 1-03 to the City of Sand City Local Coastal Program Implementation Plan if modified as suggested by modifications **1-21** in this staff report.*

***Resolution to certify.** The Commission hereby certifies Major Amendment No. 1-03 to the Implementation Plan of the City of Sand City Local Coastal Program, as modified by suggested modifications **1-21**, and adopts the findings set forth below on grounds that the Implementation Plan amendment with the suggested modifications will be in conformity with and adequate to carry out the certified land use plan. Certification of the Implementation Plan amendment, if modified as suggested, complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.*

## II. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following changes to the proposed Local Coastal Program amendments, which are necessary to make the requisite findings. If the local government accepts the suggested modifications within six months of Commission action, by formal resolution of the City



Council, the corresponding amendment portion will become effective upon Commission concurrence with the Executive Director finding that this has been properly accomplished.

*Note: The Commission-suggested modifications are shown by deleting existing text with ~~strikethrough~~ and adding text with underline.*

**1. Add New Provision of Services Policy 6.4.16 as follows:**

6.4.16 Desalination facilities must: a) Be public; b) Avoid or fully mitigate any adverse environmental impacts to coastal resources; c) Be consistent with all LCP and Coastal Act policies, including those for concentrating development, supporting priority coastal uses, and protecting significant scenic and habitat resources; d) Be designed, sized, and located as part of a comprehensive regional water management program that includes conservation and recycling, and is based on adequate land use planning and adopted growth projections; e) Use technologies that are most energy-efficient. Estimates of the projected annual energy use and the environmental impacts that will result from this energy production, and evidence of compliance with air pollution control laws for emissions from the electricity generation, should be submitted with permit applications; f) Use, where feasible, sub-surface feedwater intakes (e.g., beach wells) instead of open pipelines from the ocean, where they will not cause significant adverse impacts to either beach topography or potable groundwater supplies; g) Use technologies and processes that eliminate or minimize the discharges of hazardous constituents into the ocean and ensure that the least environmentally damaging options for feedwater treatment and cleaning of plant components are selected. Opportunities for combining brine discharges with other discharges (e.g., from a sewage treatment facility or power plant) should be considered and the least environmentally damaging alternative pursued. Applicants should provide information necessary to determine the potential impacts to marine resources from the proposed intake and discharge. Obtaining this information may require new or updated engineering, modeling and biological studies, or in some cases may be obtained from pre-operational monitoring, monitoring results from other desalination facilities, and pilot studies conducted before building a full-scale facility; and h) Be designed and limited to assure that any water supplies made available as a direct or indirect result of the project will accommodate needs generated by development or uses consistent with the kinds, location and densities specified in the LCP and Coastal Act, including priority uses as required by PRC 30254.

**2. Re-Designate the parcel owned by the Monterey Regional Parks District (see Exhibit 2, pp. 1-2) from Visitor Serving Residential Light Density (VS-R1) to Public Recreation (PR).**

**3. Remove the VS-R1 designation from the legend of the Coastal Land Use Maps (see Exhibit 2, pp. 1-2).**

**4. Delete Land Use and Development policy 6.4.1(c) and renumber the remaining policies appropriately:**

~~6.4.1(c) Visitor Serving Residential, Low Density: Allow clustered multi-family residential structures at low density. A minimum of ninety percent (90%) of the units permitted in this designation shall be established on a visitor serving program available at all times for rental on a short term (31 days or less) basis. A maximum of ten percent (10%) of the units permitted in this designation may be occupied on a long term (31 days or more) basis.~~



**5. Modify the following paragraphs in Section 2.2 (the Background section of the Public Access Component) of the LUP as follows:**

Lateral shoreline access along State-owned tidelands is physically unrestricted for approximately one-half mile from the City's southern boundary to the seawall at Tioga Avenue. Beyond this seawall, lateral access continues for some distance north, where ~~a surf zone mining operation and another seawall are~~ is located. However, during times of high tide conditions, lateral access beyond the seawall at Tioga Avenue may not be available.

Existing land uses pose limited constraints for public shoreline access with regard to public safety. ~~Existing sand mining operations, one of which has been determined to be a coastal-dependent use, present safety issues for access resulting from surf zone dragline operations, truck traffic, and the presence of conveyor systems and cables.~~ The sewage outfall line at Bay Avenue, which extends across the beach, may present potential safety hazards. Undeveloped paths over private property may pose safety questions to users, such as over the filled coastal bluff at Tioga Avenue.

**6. Delete Public Access Policy 2.3.5 and renumber all the remaining policies appropriately:**

~~2.3.5 Both existing and future surf zone dragline sand mining operations will be required to provide safe lateral public access across dragline operations without unreasonable delays. A definition of unreasonable delays must be adopted by the City and on record at City Hall for public review. All dragline operations must be sign posted to acknowledge the public's right to pass, as well as indicate a safe distance from dragline while it is in operation. Operator of dragline should have a clear view of beach area and dragline.~~

**7. Modify the first paragraph in Section 3.2 (the Background section of the Recreation & Visitor Serving Facilities component) of the LUP as follows:**

Currently there are no developed recreational or visitor serving facilities within Sand City. Beach recreation is currently the primary type of recreation in the City. There is an existing beach that extends from the City's southern boundaries beyond the former Monterey Sand Company's seawall. However, beyond Tioga Avenue, parts of this beach area may be inundated during high tide. North of ~~Monterey Sand Company's mining operation and~~ this seawall, there is another stretch of beach extending to the City's northern limits. However, future utilization of this beach may be constrained by the existing steep bluffs, which limit access opportunities.



**8. Modify the following paragraph in Section 4.2.4 (the background section on Sand Dunes and Environmentally Sensitive Habitats) of the LUP as follows:**

The remaining dune areas also comprise a large portion of the City's vacant land. As such, they are left to compete with other land uses and resource demands such as ~~mining~~, recreation, potential residential/urban development, habitat areas, potential storm protection, and visual resources.

**9. Renumber the Coastal Resource Management policies (Section 4.3) appropriately, to reflect that the first four policies pertaining to sand mining have been deleted as part of this amendment submittal.**

**10. Delete Coastal Resource Management Recommended Implementation Action 4.4.1 as follows and renumber the remaining recommended implementation actions appropriately:**

~~4.4.1—Adopt Surface Mining and Reclamation Ordinance—~~

**11. Modify the following two paragraphs in Section 5.2.1 (Existing Visual Resources) of the LUP as follows:**

In Sand City, there are two types of visually degraded areas. One is the scattered location of remaining industrial uses, —sand mining operations and including a storage construction yard west of Highway One. ~~While these uses may be visually distracting to some motorists on Highway One, others would argue that the views of the ocean and the Monterey Peninsula lessen the visual impact of the industrial uses.~~ Although some remnant industrial uses remain west of Highway One, the views of the beach and the ocean have improved since the cessation of sand mining activities. ~~Visual restoration of these areas would be difficult due to the heavy industrial character of these existing uses.~~

~~Other~~ Another visually degraded areas includes a seawall located at the end of Tioga Avenue, and an area of sand dune mining. In the past, the seawall was considered to be visually degrading to the surrounding area due to the use of improper materials. ~~Existing sand mining operations are cutting away at high standing sand dunes located in the northern part of the City west of Highway One.~~

**12. Modify the following paragraphs in Section 6.2.1 (Existing Land Uses in the Land Use and Development Section) of the LUP as follows:**

Sand City's coastal environment consists primarily of vacant lands dispersed along commercial and industrial uses, especially east of Highway One. The coastal area west of Highway consists of vacant lands, an industrial construction yard uses ~~(including coastal dependent sand mining)~~, and the Seaside Sewage Treatment Plan, a public facility...(remainder of paragraph unmodified)

Approximately one-half of the City is located in the Coastal Zone. ~~The only acknowledged coastal dependent use found in Sand City is the specialty sand mining operations of Monterey~~





~~Sand Company~~...(remainder of paragraph unmodified)

Within Sand City's Coastal Zone, the only Coastal Act priority uses that currently exists is the ~~coastal dependent sand mining and the~~ public sewage treatment facility... (remainder of paragraph unmodified).

**13. Modify the following paragraph in Section 2.2 of the Public Access Component of the LUP:**

Lateral shoreline access along State-owned tidelands is physically unrestricted for approximately one-half mile from the City's southern boundary to the seawall at Tioga Avenue. Beyond this seawall, lateral access continues for some distance north, where ~~a surf zone mining operation and~~ another seawall ~~are~~ is located. However, during times of high tide conditions, lateral access beyond the seawall at Tioga Avenue may not be available.

**14. Delete Land Use and Development Policy 6.4.1(h) and renumber the remaining policies appropriately:**

~~h. Heavy Commercial: Allow wholesale businesses, storage, warehousing, repair garages for automobiles, trucks, trailers and other equipment, and other uses as permitted in the City's "C-2" Zone District. (See Appendix G.)~~

**15. Add the Mixed Use Development (MU-D) definition to Section 6.4.1 (Land Use and Development policies) of the LUP:**

Mixed use Development (MU-D)

This designation is applied to areas where low impact light manufacturing and commercial uses can be intermixed with live-work units, such as artist studios or galleries, and residential uses. Desired uses are typically conducted wholly within a building. Where outdoor storage or business activities are necessary, extensive screening shall be required.

Compatible uses in this designation include, but are not limited to: small scale plant nurseries, wholesale or retail building materials and supply centers (designed with attractive store fronts and outdoor storage areas that are situated behind the primary building and are heavily screened), workshops for artisans, galleries, high-tech industries (computer component manufacturers, software design, research and development), commercial bakeries, restaurants, delis, retail bakeries, ethnic markets, coffee and specialty beverage shops, and public facilities such as water desalination plants and public parking facilities.

Stand-alone residential development projects that do not exceed 23 dwelling units per net acre may be considered on a case-by-case basis. Site layout and design techniques including the placement of accessory structures, fencing, and landscape buffers should be used to reduce potential conflicts with adjacent non-residential development.

Land uses should be arranged with active commercial or manufacturing activities located on the ground floor, oriented toward street frontages. Live-work units should be located within upper story spaces or behind ground floor uses. Lot consolidation and redevelopment activities are



encouraged to create more usable buildings sites that meet the intent of this classification and can accommodate on-site parking facilities for customers, employees, and residents. Maximum height and building coverages are 60 feet and 0.80, respectively.

**16. Add the Habitat Preserve (HP) definition to Section 6.4.1 (Land Use and Development policies) of the LUP:**

Habitat Preserve (HP)

This designation is intended to protect identified environmentally sensitive habitat areas. Activities are typically limited to those that will enhance research and educational awareness of the resource, resulting in habitat enhancement, or involve the installation of physical protection measures.

**17. Delete Section 4.3 and Appendix E (Surface Mining & Reclamation Ordinance/Reclamation Plan Application) (as shown in Exhibit 6) from the Implementation Plan.**

**18. Add the “Planned Unit Development District” zoning regulations (as shown in Exhibit 7) to Section 3.2 of the Implementation Plan.**

**19. Rezone the parcel owned by the Monterey Regional Parks District (see Exhibit 3) from Coastal Zone Visitor Serving Residential/Low Density (CZ-VS-R1) to Coastal Zone Public Recreation (CZ-PR).**

**20. Remove the CZ-VS-R1 designation from the legend of the Coastal Zoning Map (see Exhibit 3).**

**21. Delete the “Coastal Zone Visitor Serving Residential, Low Density” zoning district text from Section 3.2 of the Implementation Plan, as follows:**

~~Add the following new Article for Zone District, CZ VS R-1, Coastal Zone Residential, Low Density. Purpose. To promote visitor serving residential timeshare uses. Permitted uses, subject to Coastal Development Permit approval. (a) Clustered multiple family structures at low density, subject to Planned Unit Development (P.U.D.) application and approval. (b) Public uses within development projects, such as picnic areas, wind shelters, promenades or other indoor public recreational area uses where outdoor recreation may not be favorable. Height regulations. No building shall exceed twenty five (25) feet in height or the height of the level of the freeway, whichever is lesser. All development within one hundred (100) feet of the freeway right of way (considered as the main thoroughfare right of way, excluding on/off ramps) shall be designed so as to minimize significant adverse visual impacts and shall be limited to 25 feet in height. Views over development, as specified by the Local Coastal Land Use Plan, shall be preserved by limiting heights as necessary to assure compliance with policies contained in the Local Coastal Land Use Plan. Minimum requirements. (a) Density: Allow up to 13 dwelling units per acre. (b) Parking Spaces Required: 2/dwelling unit (covered). (c) Clustered development shall be subject to Planned Unit Development (P.U.D.) Application and Approval, including requirements of this zoning district and the policies and requirements of the Coastal Land Use Plan. (d) all uses within~~



~~this district shall be visitor serving timeshare units and shall be restricted to purchase in 31-day maximum increments and to occupancy for 31-day maximum periods. Other required conditions: (a) Coastal development permit required; Coastal Zone (CZ) district regulations apply. (b) Off-street parking required for all uses indicated above.~~

### III. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

#### A. Amendment Description

The City of Sand City (see Exhibit 1) is proposing to amend its land use plan by adding new land use designations, deleting several existing land use designations, and re-designating a number of properties in the Coastal Zone. Similar amendments to zoning districts are proposed for the implementation plan. In addition, because sand mining activities are no longer occurring in Sand City, the City is proposing to amend the land use plan to delete all background information and policies regarding sand mining operations.

The specific changes include:

1. Amend the land use maps and the land use plan to add four new land use designations: East Dunes Area (EDA), Regional Commercial (C-4), Mixed Use Development (MU-D), and Habitat Preserve (HP). The purpose of the East Dunes Area is to allow for residential development east of Highway One, with some professional office space integrated into this residential neighborhood. The Regional Commercial designation will accommodate retail and service uses, with the primary uses being discount stores, department stores, retail factory outlets, etc. The Mixed Use Development designation will be applied to areas where low impact light manufacturing and commercial uses can be intermixed with live-work units, such as artists studios or galleries, and other residential uses. The Habitat Preserve designation will protect identified environmentally sensitive habitat areas and limit activities in these areas primarily to habitat enhancement.
2. Amend the land use maps and the land use plan to delete three land use designations: Coastal Dependent Industrial (CDI), Industrial Park (IP), and Heavy Commercial (C-2). The Coastal Dependent Industrial designation allows for sand mining activities on the beach area west of Highway One. These activities are now defunct. The Industrial Park designation allows for manufacturing, assembly, processing, and similar industrial operations. The Heavy Commercial designation allows for uses such as wholesale businesses, storage, and repair garages.
3. Amend the land use maps to re-designate certain properties along Del Monte Blvd. from: 1) Heavy Commercial (C-2) to Mixed Use Development (MU-D); 2) Industrial Manufacturing (M) to Mixed Use Development (MU-D); 3) Industrial Manufacturing (M) to Regional Commercial (C-4) and; 4) Industrial Park (IP) to Regional Commercial (C-4). The purpose of these changes are consistent with the City's stated objective of gradually phasing out heavy industrial uses, with the goal of the City becoming a more pedestrian and residentially oriented community.



4. Amend the land use maps to re-designate certain properties along Highway One from: 1) Industrial Park (IP) to Habitat Preserve (HP); 2) Light Commercial (C-1) to East Dunes Area (EDA); 3) Heavy Commercial (C-2) to Mixed Use Development (MU-D), and; 4) Light Commercial (C-1) to Mixed Use Development (MU-D). The purpose of these changes are to consistent with the City's stated objective of gradually phasing out heavy industrial uses, with the goal of the City becoming a more pedestrian and residentially oriented community, while also protecting environmentally sensitive dune habitat.
5. Amend the land use plan to remove all background information and policies regarding sand mining operations. Sand mining operations in the City of Sand City ceased years ago. The purpose of this portion of the amendment is to update the LUP regarding this change in land use.
6. Amend the zoning maps and implementation plan to delete three zoning districts: Coastal Zone Heavy Commercial (CZ-C2), Coastal Zone Industrial Park (CZ-IP), and Coastal Zone Coastal Dependent Industrial (CZ-CDI). In addition, amend the zoning maps and the implementation plan to add four new zoning districts: Coastal Zone Planned Mixed Use (CZ MU-P), Coastal Zone Regional Commercial (CZ-C4), Coastal Zone East Dunes Area (CZ-EDA), and Planned Unit Development (PUD) (an overlay district). The purpose of deleting three zoning districts and adding four new zoning districts is to implement the new land use designations and support the transformation of Sand City from an industrial city to a retail and residential city.
7. Amend the zoning map to rezone certain properties along Del Monte Blvd. from Coastal Zone Heavy Commercial (CZ-C-2) to Coastal Zone Mixed Use Plan (CZ-MU-P), Coastal Zone Industrial Manufacturing (CZ-M) to Coastal Zone Regional Commercial (CZ-C4), and Coastal Zone Industrial Park (CZ-IP) to Coastal Zone Regional Commercial (CZ-C4). The purpose of these zoning changes is to provide consistency with the amended designations for these properties and implement the proposed new retail and residential uses.
8. Amend the zoning map to rezone certain properties along the east side of Highway One from: Coastal Zone Light Commercial (CZ-C1) to Coastal Zone Mixed Use Plan (CZ-MU-P), Coastal Zone Heavy Commercial (CZ-C2) to Coastal Zone Mixed Use Plan (CZ-MU-P), Coastal Zone Heavy Commercial (CZ-C2) to Coastal Zone East Dunes Area (CZ-EDA), Coastal Zone Light Commercial (CZ-C1) to Coastal Zone East Dunes Area (CZ-EDA), and Coastal Zone Industrial Park (CZ-IP) to Coastal Zone Habitat Preserve (CZ-HP). With the exception of the area rezoned as Coastal Zone Habitat Preserve, the purpose of these zoning changes is to provide consistency with the amended designations for these properties and implement the proposed new retail and residential uses. The Coastal Zone Habitat Preserve zoning will provide implementation standards for protection of environmentally sensitive habitat.



## B. Analysis of Land Use Plan Amendments

### 1. Background

The City of Sand City is a relatively small city comprised of approximately 3.16 square miles and located on the Monterey Peninsula (see Exhibit 1). Sand City is bounded by the former Fort Ord Military Base on the north, the City of Seaside on the south and east, and Monterey Bay on the west. The Coastal Zone in Sand City includes an approximately 1.5-mile long coastal frontage, as well as inland parcels east of Highway One. The Sand City Coastal Zone contains sand dunes that are part of the Monterey Sand Dune complex, which has been characterized by the State as a unique resource.

Over the years, Sand City has served as an active employment center for the Monterey Peninsula, with heavy commercial and manufacturing industries historically dominating the community's land use patterns. More recently, destination commercial uses (such as Costco) have located in the City. Sand City also contains scattered residential areas and undeveloped lands, particularly along the coast. The City's goals are to gradually phase out heavy industrial uses within the City and ultimately become a more pedestrian and residentially oriented community with light commercial and mixed uses. To allow for these changes, the proposed amendment would delete the Coastal Dependent Industrial (CDI), Industrial Park (IP), and Heavy Commercial (C-2) land use designations from the land use maps and the land use plan. The proposed amendment would add the East Dunes Area (EDA), Regional Commercial (C-4), Mixed Use Development (MU-D), and Habitat Preserve (HP) designations to the land use maps and the land use plan. In addition, the majority of the parcels located in the Coastal Zone east (inland) of Highway One would be re-designated as described in Section IIIA above. Please see Exhibit 2, pp. 1-2 for the proposed amended land use maps and Exhibit 4 for the proposed amended land use plan text.

As stated above, the proposed amendment would delete three industrial type land use designations from the Land Use Plan (Heavy Commercial, Coastal-Dependent Industrial, and Industrial Park). Heavy Commercial uses, such as wholesale businesses, warehousing, and repair garages, would no longer be allowed in the Sand City Coastal Zone. In addition, the proposed amendment deletes the Industrial Park designation from the Land Use Plan. This land use designation allows for manufacturing, assembly, processing, packaging and similar industrial operations. These uses also would no longer be allowed in the Coastal Zone. The proposed amendment also deletes the Coastal Dependent Industrial designation. This designation provides for sand mining activities on the west side of Highway One. Removal of this designation from the Land Use Plan would mean that sand mining activities are no longer an allowable use in the Coastal Zone in Sand City.

The removal of these industrial type designations will allow the City to transform itself into a more residential/retail type of City and will remove a number of industrial uses from the Coastal Zone. To do so, three new land use designations (East Dunes Area, Regional Commercial, and Mixed Use Development) are proposed. The new East Dunes Area (EDA) designation will allow for the development of low to medium density residential uses, including single family and multiple family residential units. Mixed use residential/professional office uses may be integrated into the design.

The Regional Commercial designation will allow for retail and service uses that will attract customers from within and outside the community, including discount stores, department stores, retail factory



outlets, etc. This re-designation will allow the City to move forward with its proposed transformation from an industrial city to a more residential/retail City.

The amendment also adds the Mixed Use Development designation to the certified Land Use Plan. The Mixed Use Development designation will be applied to areas where low impact light manufacturing and commercial uses can be intermixed with live-work units, such as artists studios or galleries, and other residential uses. This designation would also allow for development of public facilities such as a water desalination plant or public parking facilities. All proposed Mixed Use Development areas are located (east) inland of Highway One.

## 2. Visual Resources

Coastal Act Section 30251 protects the scenic and visual qualities of the coast and states:

*30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Sand City's Coastal Zone is separated by Highway One, which forms a distinguishing boundary between the City's visual resources. The area west of Highway One is characterized by shifting sands, beaches, coastal bluffs and views of Monterey Bay. The certified LUP finds that the Coastal Zone area east (inland) of Highway One is not visually significant because most people driving along Highway One are drawn to the visual resources to the west, such as the ocean. Even so, the views on the inland side of the highway are still apparent to motorists traveling through this area; thus development in this area should be appropriately scaled and designed to not impact these inland views. Except for the removal of the Coastal Dependent Industrial designation from the LUP, the proposed amendment affects only the inland portion of the Coastal Zone in Sand City.

The proposed amendment would remove the Coastal Dependent Industrial (CDI) designation from the LUP (see Exhibit 4, pg. 12). This designation allows for sand mining activities on the west side of Highway One. The proposed amendment also would remove all references to sand mining in the LUP. Sand mining operations ceased in Sand City in approximately 1988. Although Coastal Act Section 30260 provides for coastal-dependent industrial facilities, such facilities must also comply with Section 30251 regarding visual protection of the coast. The certified LUP acknowledges that sand mining created a visually degraded area west of Highway One. Removal of the sand mining equipment since sand mining activities ceased has improved the views of the dunes and the adjacent ocean. The City now expects that much of the coastline west of Highway One, including areas where sand mining used to take place, will likely remain in open space and/or public recreation uses. These types of uses will provide better protection of visual resources than coastal-dependent industrial sand mining. Thus, this aspect of the amendment is consistent with Coastal Act Section 30251 regarding protection of scenic resources.



Various properties on the inland side of Highway One would be re-designated as described in Section IIIA above. Table 1 shows the existing and proposed height limitations for the proposed re-designated areas.

Heavy Commercial ► Mixed Use Development	36' ► 60'
Industrial Manufacturing ► Mixed Use Dev.	75' ► 60'
Industrial Manufacturing ► Regional Comm.	75' ► 50'
Industrial Park ► Regional Commercial	75' ► 50'
Industrial Park ► Habitat Preserve	75' ► 0'
Light Commercial ► East Dunes Area	36' ► 36'
Light Commercial ► Mixed Use Development	36' ► 60'

As seen in Table 1 above, the majority of the re-designations reduce the allowable height of development. The two exceptions are certain properties re-designated from Heavy Commercial or Light Commercial to Mixed Use Development (see Exhibit 2, pg. 2 for location of these properties). The existing Heavy Commercial and Light Commercial designations have a height limitation of 36 feet. The new Mixed Use Development designation would have a height limitation of 60 feet to allow for commercial development on the ground floors and residential use on the upper floors. Only a small portion of the area in the Coastal Zone immediately adjacent to Highway One would be subject to this increased height limit. In addition, all development within 100 feet of the Highway One right-of-way would continue to be limited to 25 feet in height, as required by certified LCP policy 6.4.5(e) (see Exhibit 2, pg. 2). The remaining land use re-designations would either maintain the existing height limit restrictions, or reduce the allowable height limits. Furthermore, the certified Coastal Visual Resources policies will continue to require that development provide protection of important view corridors. In addition, the certified LUP provides development design policies to avoid development of bulky buildings that could block view corridors and requires that all buildings be designed and scaled to the community character as established by new development. Thus the proposed amendment is consistent with Coastal Act Section 30251 regarding protection of visual resources.

### 3. Environmentally Sensitive Habitat

Coastal Act Section 30240 protects environmentally sensitive habitat and states:

**30240(a).** *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b).* *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*



The Monterey Sand Dune complex extends from the Salinas River south to Canyon Del Rey. This is one of the largest dune complexes on the west coast and therefore, as a whole, is characterized as a unique resource and environmentally sensitive habitat. A number of special status species are found within this habitat.

Most of the dune areas in Sand City have been degraded or disturbed over time by urban development and industrial activities. Within Sand City, habitat conservation areas have been established in conjunction with various development projects. Approximately 12 acres of dune habitat has been restored as mitigation for past commercial development on the east side of Highway One.

Significant habitat for the Smith's blue butterfly and concentrations of the sand gilia, both of which are special status species, have been identified within the central portion of the East Dunes area. These areas will be subject to a Habitat Conservation Plan. Also, in 2000, U.S. Fish & Wildlife Service (USFWS) designated all of the Sand City coastal area west of Highway One as critical habitat for the western snowy plover.

The proposed amendment eliminates the Coastal Dependent Industrial designation from the LUP (see Exhibit 2, pg. 12 for deleted land use plan language). This designation allowed for sand mining on the west side of Highway One, which took place until approximately 1988. Past sand mining activities caused great disruption of the dunes and their associated habitat. As discussed in Section III(B)(2) above, Coastal Act Section 30260 provides for coastal-dependent industrial facilities. Such facilities, however, must also comply with Section 30240 regarding protection of environmentally sensitive habitat, including dune habitat. The certified LUP acknowledges that past sand mining activities severely disturbed the dunes west of Highway One. This significant impact to dune habitat has been removed with the cessation of sand mining activities. The City now expects that much of the coastline west of Highway One, including areas where sand mining used to take place, will likely remain in open space and/or public recreation uses. These types of uses will allow for dune restoration and controlled public access and recreation, which will provide for the protection of dune habitat. Thus, this aspect of the amendment is consistent with Coastal Act Section 30240 regarding protection of environmentally sensitive habitat.

The proposed amendment re-designates several dune areas just east of Highway One from Industrial Park to Habitat Preserve (see Exhibit 2, pp. 1-2). As mentioned above, these dune areas have been restored as mitigation for previous commercial development. The Habitat Preserve designation is intended to continue to provide protection for these specifically identified and restored environmentally sensitive habitat areas. As such, this portion of the amendment is consistent with Coastal Act Section 30240 regarding protection of environmentally sensitive habitat.

The proposed amendment would re-designate a number of parcels inland of Highway One from Light Commercial, Heavy Commercial, or Industrial Manufacturing to Mixed Use Development. Additionally, a number of parcels, mostly along Del Monte Blvd., would be re-designated from Industrial Manufacturing or Industrial Park to Regional Commercial (see Exhibit 2, pg. 2). The areas proposed for re-designation to Mixed Use Development are highly developed with industrial and light and heavy commercial uses, as well as with scattered residential development. The LUP's existing Environmentally Sensitive Habitat policies are adequate to provide protection of any remnant dune habitat in these areas.





The area proposed for re-designation to Regional Commercial is located directly adjacent to two large shopping centers. Some relatively undisturbed open space habitat for rare and endangered plant and animal species are located in this area, which is identified in the LUP as Habitat Area 5. LUP Policy 4.3.20(d) provides specific protections for this undeveloped habitat area. Additional LUP policies provide general protection for all environmentally sensitive habitat areas. Any development in this area will need to be consistent with all the certified habitat protection policies of the LUP. Thus, this aspect of the proposed amendment, as submitted, is consistent with Coastal Act Section 30240.

The proposed amendment would re-designate a number of parcels from Light Commercial to East Dunes Area (see Exhibit 2, pg. 2 for map). As discussed above, this area provides significant habitat for the Smith's blue butterfly and concentrations of the sand gilia, both of which are special status species. This area will be subject to a Habitat Conservation Plan. The East Dunes Area (EDA) designation would allow for residential development and some limited office development (see Exhibit 4, pp 13-14 for allowable uses). Environmentally Sensitive Habitat Policy 4.3.20(a) requires development of a specific plan for future development in the EDA area. This certified policy also provides for habitat consolidation, enhancement, and preservation, as well as clustering of development. Mitigation is required for any adverse impact or loss of dune habitat due to development. As such, development of housing will only take place where it can be found consistent with the LCP's environmentally sensitive habitat policies. Therefore, this aspect of the submittal is consistent with Coastal Act Section 30240 regarding habitat protection.

#### 4. Public Services

Coastal Act Sections 30250(a) and 30254 provide that adequate public services are available for new development and states:

***30250(a).** New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

***30254.** New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted, consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway 1 in rural areas of the Coastal Zone remain a scenic two-lane road. Special districts shall not be formed or expanded, except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services, and basic industries vital to the economic health of the region, state, or nation, public reaction, commercial recreation and visitor-serving land uses shall not be precluded by other development.*



**Water:** Sand City is a member of the Monterey Peninsula Water Management District. Water supplied within the MPWMD is obtained from the Los Padres and San Clemente Reservoirs located on the Carmel River, and from existing groundwater wells in Carmel Valley and Seaside. The California American Water Company operates and maintains the system and serves as the primary water purveyor. There is a critical shortage of water and groundwater on the Monterey Peninsula. This condition will continue until a long-term source of water is developed for the region. All water resources and credits allocated to Sand City, which includes groundwater resources, have been committed to existing and planned projects.

The proposed redevelopment from Heavy Commercial, Light Commercial, or Industrial Manufacturing to Mixed Use Development or East Dunes Area will increase the residential population of the City. However, the City's Initial Study for its General Plan Update found that build-out under the current land use designations would create a greater demand for water than build-out under the proposed re-designations. Also, certified LCP Provision of Services policy 6.4.11 requires that new development only be approved where water allocation is available and consistent with the available water supply. In addition, other Provision of Services Policies require that all new developments include water conservation fixtures and that landscaping in new developments maximize use of drought-resistant species. These policies are adequate to ensure that new residential development does not take place until adequate water supplies are available. These policies also assure that new residential development will include appropriate water conservation measures.

None of the proposed new land use designations provide for development of private water supplies. The new Mixed Use Development designation, however, allows for the development of public desalination plants. This is consistent with past Commission actions to ensure that desalination plants are publicly owned and operated. The existing Land Use Plan policies, however, do not adequately call for protection of any adverse environmental impacts due to the construction of a desalination plant. Thus, a new policy is needed. **Modification #1** adds a policy that allows for development of public desalination facilities, provided any adverse environmental impacts are mitigated. With this new policy, the proposed amendment is consistent with Coastal Act Section 30250(a) and Section 30254 regarding public water supplies.

#### **Sewage Collection and Treatment:**

The Monterey Regional Water Pollution Control Agency (MRWPCA) and the Seaside County Sanitation District (SCSD) provide wastewater collection and treatment to Sand City. The MRWPCA operates the Regional Sewage Treatment Plan in nearby Marina. The SCSD maintains the collection lines and pumping stations that deliver sewage from Sand City to Seaside to MRWPCA's Seaside pumping station, located west of Highway One on Bay Avenue. The regional treatment plant processes slightly under 20 million gallons per day (MGD). The plant has a capacity of 30 MGD; however, the current Use Permit issued to Monterey County limits the capacity at this time to 25 MGD.

The proposed re-designation from Heavy Commercial or Light Commercial to Mixed Use Development will result in additional residential development. However, the City's Initial Study for its General Plan Update found that build-out under the current land use designations would produce a greater amount of wastewater than build-out under the proposed re-designations. Also, the existing sewage treatment system has additional capacity available at this time. In addition, certified LUP Provision of Services



policy 6.4.12 requires adequate sewage treatment facility capacity prior to the approval of any new development in the Coastal Zone. Thus, the proposed amendment, as submitted is consistent with Coastal Act Sections 30250(a) and 30254 regarding sewage treatment facilities.

## 5. Public Access/Recreation

The following Coastal Act policies provide protection of public access and recreation along the coast:

***30210.** In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

***30211.** Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

***30213(in part).** Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

***30220.** Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

***30221.** Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

The City's amendment submittal re-designates properties located east (inland) of Highway One, which do not have a high potential for public access or recreation. One large parcel west of Highway One, however, has been transferred from private ownership to ownership by the Monterey Peninsula Regional Parks Department (Parks). This parcel consists of beach and dune habitat. This parcel is currently designated Visitor-Serving/Residential Light Density (VS-R1) (see Exhibit 2, pp 1-2). This designation, which was placed on the site prior to public ownership, would allow for development of clustered family residential structures at a density of up to 13 dwelling units per acre, with a minimum of 90% of the units being available for rental on a short-term (31 days or less) basis. As part of the City's update of portions of its LCP, it would be appropriate to acknowledge the impact of the change in ownership of this site and re-designate it to a parks use only. City planning staff and Parks staff agree that this parcel should be re-designated from Visitor-Serving/Residential Light Density (VS-R1) to Public Recreation (PR). **Modification #2** re-designates this parcel from VS-R1 to PR. The Public Recreation designation allows for public parks, picnic areas, accessways, and support facilities for public recreational uses. This re-designation will increase the availability of public access and recreational opportunities west of Highway One in Sand City and is also consistent with Coastal Act Section 30221, which encourages the protection of oceanfront land for recreational use. Subsequent to re-designating this parcel from VS-R1 to PR, there will no longer be any parcels in the Coastal Zone designated VS-R1. **Modification #3** deletes the VS-R1



land use designation from the Coastal Land Use Maps. **Modification #4** deletes text from the LUP that describes the allowable uses in the VS-R1 designation. The above modifications provide for internal LUP consistency as well as consistency with the public access and recreation policies of the Coastal Act.

## 6. LUP Internal Consistency

The following modifications are needed to provide internal LUP consistency:

1. Although the submitted amendment deletes a number of references to sand mining from the LUP, as well as the Coastal Dependent Industrial (CDI) designation, other background information and policies regarding sand mining were not deleted in the submittal. To provide for internal LUP consistency, **Modifications #5-13** remove the remaining references to sand mining in the LUP.
2. The proposed amendment deletes the Heavy Commercial designation from the Coastal Land Use Maps. However, Land Use and Development policy 6.4.1(h), which describes the allowable uses in the Heavy Commercial designation, was not deleted from the LUP text. **Modification #14** deletes this policy to provide internal LUP consistency.
3. The proposed amendment adds the Mixed Use Development (MU-D) designation to the Land Use Plan. Although this designation was defined in the “Past and Present Planning” section of the amendment (see Exhibit 4, pp. 2-3), the definition was not added to the Land Use and Development policies of the LUP. **Modification #15** adds this definition to Section 6.4.1 of the Land Use Plan to provide internal LUP consistency.
4. The proposed amendment adds the Habitat Preserve (HP) designation to the Land Use Plan. Although this designation was defined in the “Past and Present Planning” section of the amendment (see Exhibit 4, pg. 4), the definition was not added to the Land Use and Development policies of the LUP. **Modification #16** adds this definition to Section 6.4.1 of the Land Use Plan to provide internal LUP consistency.

## C. Analysis of Implementation Plan (Zoning Ordinance) Amendments

The proposed amendment would delete three zoning districts from the Implementation Plan (IP), including Coastal Zone Heavy Commercial (CZ-C2), Coastal Zone Industrial Park (CZ-IP), and Coastal Zone Coastal Dependent Industrial (CZ-CDI) (see Exhibit 3 for zoning map changes and Exhibit 5 for IP text changes). These three zoning districts provide development regulations for the Heavy Commercial, Industrial Park, and Coastal Dependent Industrial land use designations, which are being deleted pursuant to this amendment (see Section III.B above). Thus, these three zoning districts are no longer necessary because they will no longer have applicable land use designations to implement. Also, the deletion of the CDI designation and the CZ-CDI zoning will disallow sand mining operations in the Coastal Zone. **Modifications #5-13** removed all references to sand mining in the Coastal Zone. However, Implementation Plan Section 4.3 and Appendix E, which are the certified Surface Mining and Reclamation Ordinance and Reclamation Plan application (see Exhibit 6), were not deleted as part of the submittal. Given that sand mining activities will no longer be an allowable use in the Sand City Coastal Zone, **Modification #17** deletes the certified Surface Mining and Reclamation Ordinance and associated Appendix E from the certified Implementation Plan. With this modification, this aspect of the proposed



Implementation Plan amendment is consistent with the amended Land Use Plan.

The proposed amendment would add four new zoning districts to the Implementation Plan, including Coastal Zone Planned Mixed Use (CZ MU-P), Coastal Zone Regional Commercial (CZ-C4), Coastal Zone East Dunes Area (CZ-EDA) and Planned Unit Development (PUD) (an overlay district) (see Exhibit 3 for map amendments and Exhibit 5 for text amendments). The CZ MU-P, CZ-C4, and CZ-EDA zoning districts provide adequate development standards to carry out the provisions of the new Mixed Use Development, Regional Commercial, and East Dunes Area land use designations (see Section III.B above for discussion of new LUP designations). The Implementation Plan already includes a Coastal Zone Habitat Preserve zoning district, which is adequate to implement the new Habitat Preserve land use designation. The proposed PUD overlay zoning district will apply to a property located in the new CZ MU-P district. This overlay will allow development of planned units that do not conform in all respects with the CZ MU-P zoning district regulations. A PUD development may include developments that are sited and designed to take advantage of unique site characteristics and/or unified ownership and which harmonize with existing and proposed land uses in the vicinity. Although the proposed PUD overlay area is shown on the submitted coastal zoning map (Exhibit 3), no PUD development standards were submitted as part of this amendment. Thus **Modification #18** is needed. This modification will add the PUD development standards from the non-coastal zoning ordinance to the certified Implementation Plan, as shown in Exhibit 7.

The proposed amendment rezones the majority of the parcels in the Coastal Zone east (inland) of Highway One, as shown in Exhibit 3 and as described in Section IIIA. These parcels were also re-designated as part of this amendment (see Section IIIB). The proposed zoning amendments provide appropriate zoning districts and adequate development standards for each of the amended land use designations. As such, this aspect of the proposed Implementation Plan amendment is consistent with the amended Land Use Plan.

As discussed on pg. 20 above, a large parcel west of Highway One, however, has been transferred from private ownership to ownership by the Monterey Peninsula Regional Parks Department (Parks). **Modifications #2-4** re-designate this parcel from Visitor Serving Residential Light Density (VS-R1) to PR (Public Recreation) and delete the VS-R1 land designation from the land use maps and the land use plan text. To provide consistency with the amended Land Use Plan, **Modifications #19-21** rezone this parcel from Coastal Zone Visitor Serving Residential/Low Density (CZ-VS-R1) to Coastal Zone Public Recreation (CZ-PR) and delete the CZ-VS-R1 zone from the zoning map (see Exhibit 3) and the Implementation Plan text.

#### IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Coastal Commission's review and development process for Local Coastal Programs and amendments to them has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does utilize any environmental information that the local government has developed. Approval of the amendment, as modified, complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse



effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts that the land use plan amendment may have on the environment.

